IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.                                        CRIMINAL ACTION NOS. 2:18-00262
                                                              2:19-00102

EUGENE CALVIN WELLS

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant's motion for appointment of counsel to assist in the filing of a motion for compassionate release.  (ECF No. 133.)  That motion was filed by the attorney previously appointed to represent defendant in these criminal cases, John A. Carr.

There is no constitutional right to the appointment of counsel to file post-conviction motions.  Lawrence v. Florida, 549 U.S. 327, 336-37 (2007) (citing Coleman v. Thompson, 501 U.S. 722, 756-57 (1991)); Rouse v. Lee, 339 F.3d 238, 250 (4th Cir. 2003), cert. denied, 541 U.S. 905 (2004).  The court has discretion to appoint counsel in proceedings under 18 U.S.C. § 3582(c) if the interests of justice so require.  See United States v. Legree, 205 F.3d 724, 730 (4th Cir. 2000); cf. 18 U.S.C. § 3006A (providing the interests of justice standard for appointment of counsel in similar post-conviction proceedings).

Defendant may request compassionate release without the assistance of counsel.  To that end, the court will deny

defendant's motion insofar as it requests the appointment of counsel but will instead construe it as a motion for compassionate release.  Mr. Wells should supplement his motion for compassionate release by filing documents with the court which demonstrate why he believes he is entitled to compassionate release.  If Mr. Carr has received any documents from Mr. Wells in support of his request for compassionate release, he may file those.  Should any documents submitted by Mr. Wells or Mr. Carr contain confidential medical information, the Clerk is directed to file those documents under **SEAL**.

The Clerk is directed to send a copy of this Order to the Mr. Carr, the United States Attorney, and to Mr. Wells at FCI Hazelton.

It is SO ORDERED this 15th day of September, 2020.

ENTER:

David A. Faber
Senior United States District Judge